

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHERRY L. DEGNAN,

Plaintiff,

v.

16-CV-197-LJV(MJR)
ORDER

NANCY A. BERRYHILL,
ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

On March 7, 2016, the plaintiff, Sherry L. Degnan, commenced this action. Docket Item 1. On January 6, 2017, the Court referred this case to United States Magistrate Judge Michael J. Roemer for all proceedings pursuant to 28 U.S.C. Section 636(b)(1)(B). Docket Item 19. On January 10, 2017, the plaintiff moved for judgment on the pleadings, or, in the alternative, to remand the matter for further development of the record. Docket Item 20. On April 10, 2017, the defendant responded to the plaintiff's motion and moved for judgment on the pleadings. Docket Item 23. On October 16, 2017, Judge Roemer issued a Report and Recommendation, finding that the defendant's motion should be granted and that the plaintiff's motion should be denied. Docket Item 25. The parties did not object to the Report and Recommendation, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court

must conduct a de novo review of those portions of a magistrate judge's recommendation to which objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. Section 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are addressed. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Roemer's Report and Recommendation. Based on that review and the absence of any objections, the Court accepts and adopts Judge Roemer's recommendation to deny the plaintiff's motion and grant the defendant's motion for judgment on the pleadings.

For the reasons stated above and in the Report and Recommendation, the plaintiff's motion for judgment on the pleadings or, in the alternative, to remand for further proceedings (Docket Item 20), is DENIED; the defendant's motion for judgment on the pleadings (Docket Item 23) is GRANTED; the complaint (Docket Item 1) is dismissed; and the Clerk of the Court is instructed to close the file.

SO ORDERED.

Dated: November 16, 2017
Buffalo, New York

s/Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE